

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. 09/496,549	FILING DATE 02/02/2000	FIRST NAMED INVENTOR George King	ATTORNEY DOCKET NO. 1996P07613US05
Response To Office Action			EXAMINER Qureshi, Afzar M.
			ART UNIT 2667
			PAGE NUMBER 8

REMARKS

2 Claims 32, 37-39, and 41-47 are pending in this application. In the office action, claims 32, 37-39, and 41-47 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 5,668,857 (McHale) (office action, ¶ 2).

Each of independent claims 32, 41, and 48 recites "a digital line unit, a remote line termination unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module." These components are identified in the claims and the specification using terminology that must be given its "ordinary and customary meaning ... to a person of ordinary skill in [this] art." Phillips v. AWH Corporation, 415 F.3d 1303, 1313, 75 U.S.P.Q.2d 1321, 1326 (Fed. Cir. 2005). The office action implies that Mchale's splitter 50 meets this limitation. However, a person skilled in this art would not equate a splitter with any of these. Moreover, Mchale does not disclose, teach, or suggest any of the claimed components nor their equivalent, and therefore the rejection is untenable.

The assertion on page 3 of the office action that "[r]outing a digital call ... is used by the COX industry in an Internet environment" is not supported by any documentary evidence. Therefore, the rejection of the claims is unfounded to the extent that it relies upon this statement.

In view of the foregoing remarks, Applicant submits that all of the claims are in proper format, patentably distinct from the relevant prior art of record, and in condition for allowance.

The Examiner is invited to contact Joel Miller (tel. 973-736-8306) or the undersigned at the telephone number listed below with any questions concerning this application.

Respectfully submitted,



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